

Wishneff
37117-071805



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JULY 18, 2005
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, July 21, 2005, at 7:00 p.m., and Saturday, July 23, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Recognition of Summer Interns.

File #80-467

Proclamation declaring the year 2005 as Virginians With Disabilities Act and Americans With Disabilities Act Year.

File #80-353

3.

CONSENT AGENDA

Approved (7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, June 6, 2005.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

C-3 Minutes of a meeting of the Audit Committee which was held on Monday, June 20, 2005.

RECOMMENDED ACTION: Receive and file.

File #300

C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to execute a new lease with the United States General Services Administration for office space in the Commonwealth Building.

RECOMMENDED ACTION: Concur in the request.

File #132-373-524

- C-5 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to execute a new lease with Carilion Biomedical Institute for office space at 111 - 117 Church Avenue, S. W.

RECOMMENDED ACTION: Concur in the request.
File #132-166-207-221-373

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132

- C-7 Qualification of the following persons:

Barry W. Baird as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2008;

John B. Ferguson as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2008;

Betty Field, Louise F. Kegley, Carl H. Koptizke, Michael A. Loveman and E. C. Pace, III, as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2008;

Cathy C. Greenberg as a member of the Roanoke Arts Commission, to fill the unexpired term of Courtney A. Penn, resigned, ending June 30, 2007;

Thomas Pettigrew as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2008; and

Barton J. Wilner as a member of the Roanoke Valley Convention and Visitors Bureau, for a term ending June 30, 2006.

RECOMMENDED ACTION: Receive and file.
File #67-110-230-242-293-379

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request to address Council with regard to the backflow prevention test which is required on existing residential underground lawn sprinkler systems. Suzanne Osborne, Spokesperson. (Sponsored by Council Members Lea and Wishneff.)

The City Attorney was requested to render an opinion as to whether testing of back flow prevention devices is mandatory for all jurisdictions in the Commonwealth of Virginia.

File #27-32

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

- Zoning Ordinance Update.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of the Local Government Challenge Grant from the Commonwealth of Virginia Commission for the Arts; and appropriation of funds.

Adopted Budget Ordinance No. 37117-071805 and Resolution No. 37118-071805. (7-0)

File #60-236

2. Acceptance of the Project Safe Neighborhoods Grant from the U. S. Department of Justice; and appropriation of funds.

Adopted Budget Ordinance No. 37119-071805 and Resolution No. 37120-071805. (7-0)

File #5-60-165-236

3. Appropriation of Economic and Community Development Reserve for Façade Grant funds, in connection with the Enterprise Zone One A Project.
Adopted Budget Ordinance No. 37121-071805. (6-0, Council Member Wishneff abstained from voting.)
File #60-236-266-450
4. Execution of the Workforce Investment Act Grant Agreement with the Virginia Employment Commission for Program Year 2006.
Tabled until the end of the meeting.
File #72-236
5. Execution of the 2005-2006 Community Development Block Grant Subgrant Agreement with Kuumba Community Health & Wellness Center, Inc., in connection with acquisition of property located at 3716 Melrose Avenue, N. W.
Adopted Resolution No. 37122-071805. (7-0)
File #2-22-236
6. Execution of Voluntary Remediation Program Documents and Declaration of Restrictive Covenants between the City of Roanoke and the Virginia Department of Environmental Quality, in connection with the use of property located at 704 Franklin Road, S. W., for a fully-staffed Fire Station/Administration Building.
Adopted Ordinance No. 37123-071805. (7-0)
File #70-529

At a future Council meeting, Council Member Wishneff requested the following:

- (1) A briefing on the status of the fire station project;**
- (2) A discussion on the wisdom of closing Fire Station No. 1 as a fire station; and**
- (3) An opinion poll of those persons/businesses that are served by Fire Station No. 1 (do they believe that Fire Station No. 1 is a functional fire station).**

7. Execution of the Programmatic Agreement in connection with the I-73 Corridor Project.

**Adopted Resolution No. 37124-071805. (7-0)
File #77**

8. Transfer of \$125,000.00 in connection with Mill Mountain Theater capital improvements.

**Adopted Budget Ordinance No. 37125-071805. (7-0)
File #60-349**

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.

Council Member Cutler congratulated the City's Public Information Officer in connection with an article that was published in the *Virginia Town and City* magazine entitled, "World Comes to Downtown Roanoke Via Wire-less Internet Technology".

File #80-301

Council Member Cutler referred to two events that were held during the past weekend; i.e.: competitive mountain biking events at Carvins Cove Natural Reserve and Mill Mountain Park and the Mill Mountain Hill Climb from Bellevue and Walnut Avenues to the Mill Mountain Star. He advised that the events demonstrate that the City of Roanoke is a bicycle friendly community.

File #67-442

Council Member Lea advised that he represented the City of Roanoke at the closing ceremony of World Changers. He called attention to and commended the level of excitement by the young people who participated in the program.

File #304

Council Member McDaniel spoke in support of churches and other organizations implementing a home based World Changers program in the Roanoke community.

File #304

On behalf of the City of Roanoke, Council Member Dowe advised that he accepted an award from Virginia Amateur Sports in recognition of the City's 2005 sponsorship of the Virginia Commonwealth Games which were held on July 15 – 17.

File #80-334

The Mayor advised that July 1, 2005, marked the beginning of his second year as Mayor; whereupon, he expressed appreciation to the Members of Council for their support by representing the City of Roanoke at various community events and activities which is a testament to the commitment of Council to the citizens of Roanoke.

File #80-132

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., advised that as a result of his recent appearance before Council with regard to alleged police brutality and the City's police complaint process, he received a communication from the City Manager responding to his suggestions. He stated that it is hoped that this will mark the beginning of dialogue regarding the police complaint process and urged that Council review the City Manager's letter and provide input with regard to proposed suggestions.

File #5-104-132

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to renovating Victory Stadium and an agreement between Norfolk Southern and the City of Roanoke with regard to maintaining Victory Stadium and the National Guard Armory. He stated that the City plans to spend \$136,000.00 to prepare Victory Stadium for high school football in the fall and advised that instead of spending funds on temporary restroom facilities, the money could be used to renovate current restrooms at Victory Stadium.

File #122

Ms. Josephine Hutchison, 1111 Loudon Avenue, N. W., expressed concern with regard to closing the fire station at 12th Street and Loudon Avenue, N. W.

File #66-70

Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke with regard to the closing of fire stations in the City of Roanoke.

File #66-70

**Mr. Tony Hairston, 1263 Tayloe Avenue, S. E., expressed concern with regard to race relations in the City of Roanoke.
File #11-66**

12. CITY MANAGER COMMENTS: NONE.

CERTIFICATION OF CLOSED SESSION. (6-0, Council Member Wishneff was not present when the vote was recorded.)

The following persons were appointed/reappointed to boards and commissions:

**War Memorial Committee
File #15-110-518**

Sloan H. Hoopes for a term ending June 30, 2008; Harold H. Worrell and Robert O. Gray for terms ending June 30, 2007; and Philip C. Schirmer for a term ending June 30, 2006.

**Roanoke Public Library Board
File#15-110-323**

Anne E. Caldwell to fill the unexpired term of Samuel G. Oakey, III, resigned, ending June 30, 2006; and Susan Koch for a term ending June 30, 2008.

**Towing Advisory Board
File #15-110-543**

Thomas W. Ruff to fill the unexpired term of Patrick Shumate, resigned, ending June 30, 2006.

Item 6.a.4 was tabled until the 7:00 p.m. session.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JULY 18, 2005
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Mayor Harris was absent.)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

NOTICE:

Tonight's Council meeting will be replayed on Channel 3 on Thursday, July 21, 2005, at 7:00 p.m., and Saturday, July 23, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Amendment and Restated Articles of Incorporation of the Western Virginia Water Authority, changing the terms of office of members of the Board of Directors to begin on July 1. William M. Hackworth, City Attorney.
Adopted Resolution No. 37126-071805. (5-0, Council Member Wishneff was not present when the vote was recorded.)
File #468
2. Proposed conveyance of a 1.2508 acre portion of City-owned property located on Carroll Avenue, N. W., to the Western Virginia Water Authority. Darlene L. Burcham, City Manager.
Adopted Ordinance No. 37127-071805. (5-0, Council Member Wishneff was not present when the vote was recorded.)
File #2-166-468
3. Proposed lease of a portion of City-owned property located at the Roanoke Civic Center to Roanoke Sports Group, LLC, for use as office space as part of the terms of a License Agreement for operation of a hockey team. Darlene L. Burcham, City Manager.
Adopted Ordinance No. 37128-071805. (6-0)
File #166-192-373

Tabled from the 2:00 p.m. session.

- 6.a.4. Execution of the Workforce Investment Act Grant Agreement with the Virginia Employment Commission for Program Year 2006.
Adopted Resolution No. 37129-071805. (5-1, Council Member Lea voted no.)
File #72-236

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. Robert E. Gravely, 727 29th Street, N. W., advised that a communication should be forwarded to the Work Force Investment Board instructing the Board to reinstate a Total Action Against Poverty representative. He spoke with regard to the need to attract more persons to the Roanoke area by creating avenues of opportunity, better and more affordable entertainment venues, and living conditions that are more conducive to the income level of the average person.

File #66-226